

## REMARKS

Claims 1-3, 5, 7-14, and 21-22 have been amended. Claims 4, 15, 17-20, and 23-41 have been canceled. Claim 42 has been added. Claims 1-3, 5-14, 16, 21-22, and 42 are pending.

Claims 1-3, 5-6, 8-10, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zillicaus (U.S. Patent No. 6,832,230) in view of Kuftedjian (U.S. Patent No. 6,105,057) and Jonsson (U.S. Patent No. 6,115613). Claims 11-13 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zillicaus in view of Kuftedjian, Jonsson, and Nickels (U.S. Patent No. 6,134,591). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Zillicaus in view of Jonsson. Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Zilliacus in view of Jonsson and Nickels. These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, “A method for a wireless service provider to enforce singularly invoking of an application when the wireless service provider charges a subscriber a single subscription fee for use of an application and permits the application to be invoked singularly through one of a plurality of wireless communications devices each associated with the subscriber, comprising the steps of: ... checking whether the selected activation is in use over the plurality of wireless communications devices; if the selected application is in use, sending a failure message to the requesting wireless communications device, thereby causing the requesting wireless device to not execute the selected application; and if the selected application is not in use, recording the selected application as being in use on the requesting wireless communication device, and sending an activation to the requesting wireless communications device, thereby permitting the requesting wireless communication device to execute the selected application.”

Claim 14 recites, *inter alia*, “A system for enforcing singularly invoking of an application when a wireless service provider charges a subscriber a single subscription fee for use of an application and permits the application to be invoked singularly through one of a plurality of wireless communication devices each associated with the subscriber, comprising: ... a server ... the server having a subscription table, wherein the subscription table has a plurality of entries, each entry having ... a current device field; wherein ... the server records in the current device field which of the plurality of wireless communication devices, if any, is executing the

application, and upon receiving an activation request for the application from a specific one of the plurality of wireless communication devices, the server checks the current device field to determine whether the application is in use over the plurality of wireless communications devices, and if the application is in use, the server sends a failure message to the specific one of the plurality of wireless communications devices, thereby preventing the specific one of the plurality of wireless communications devices from executing the application, and if the application is not in use, the server records the specific one of the plurality of wireless communication devices as using the application, and sends an activation message to the specific one of the plurality of wireless communications devices, thereby enabling the application to be executed by the specific one of the plurality of wireless communication devices.”

Claims 21 and 42 recite, *inter alia*, “A method for invoking singularly invoking of an application when a wireless subscriber is charged a single subscription fee for use of an application and permits the application to be invoked singularly through one of a plurality of wireless communications devices each associated with the subscriber, comprising: ... determining if the application is in use over the plurality of wireless communications devices; if the application is in use, sending a failure message to the requesting wireless communication device, thereby causing the requesting wireless device to not execute the application; and if the application is not in use, sending an activation message to the requesting wireless communications device, thereby permitting the requesting wireless device to execute the application.”

Zillicaus discloses a system for providing records which record user identity when downloading content from a server to a mobile phone so that the application can be downloaded again at a later time without a separate charge. Column 3, lines 43-38. Zillicaus discloses that mobile phone may have limited memory capacity. Column 3, lines 14-19. In order to try out new applications a mobile phone user may need to delete an existing application. Column 3, lines 16-19. However, Zillicaus’ records may be stored in a database, thereby permitting the user to re-download a now deleted but previously downloaded application for little or no fee. Column 4, lines 25-30.

As noted on page 5 of the Office Action, the system disclosed by Zillicaus differs in several aspects from the claimed invention. More specifically, Zillicaus fails to disclose or

suggest the features of the claimed invention which support singularly invoking of a selected application. These features include:

charging a single fee for application use;

checking to see whether the selected application is in use over a plurality of wireless devices, and if in use, sending a failure message thereby causing the requesting device to not execute the selected application, or

if not in use, marking the application as being in use and sending an activation message to the requesting wireless device, thereby permitting the requesting wireless device to execute the selected application.

Jonsson discloses a system for providing telephone service to each member of a group of wireless telephone subscribers. Jonsson is cited by the Office Action for its teaching of charging of a single fee.

Kuftedjian discloses a system which enables network level locks for enforcing mutual exclusive access to objects such as databases and ports. If such an object is locked, an access attempt results in an error message. Alternatively, access is permitted if the object is not locked.

The Office Action concludes that it would be obvious to modify Zillicaus' system by incorporating the single fee feature disclosed by Jonsson to facilitate group subscriptions of resources, making it more economic to access resources, while also incorporating the mutual exclusion system of Kuftedjian to avoid issues related to simultaneous access of a resource by multiple user. It is respectfully asserted that the Office Action is in error for several reasons, and as a result, the proposed combination would not result in the claimed invention.

The claims recite a system which enables one user the ability to license a use of an application from any one of plural mobile devices associated with that user, with the provision that the user may only use that application on one of the plural mobile device at any given time. That is, the user may only singularly invoke the application on the plurality of mobile devices.

Zillicaus discloses a system regarding how multiple applications can be licensed to a single user, and a method for re-downloading previously licensed content which was deleted. As noted in the Office Action, Zillicaus is devoid of any disclosure or suggestion regarding the above recited portions of the independent claims.

Jonsson merely discloses a group subscription plan. However, the claims are directed to the activities of a single user and is therefore wholly unrelated to group subscriptions. Thus, is should be no surprise that Jonsson is also devoid of any disclosure or suggestion regarding the above recited portions of the independent claims.

Kuftedjian discloses mutual exclusion locks for preventing simultaneous access by multiple applications to a single network resource, such as a network database object. However, the applications which might simultaneously wish to access a network object may be different applications. While Kuftedjian may disclose a feature which could permit a one application at a time to use a shared network object, Kuftedjian is silent regarding permitting only one of multiple identical applications to execute at any time from a plurality of mobile devices of a single user. Kuftedjian therefore protects a single network object from simultaneous access by multiple applications, in order to maintain data consistency. The present invention, however, protects multiple applications, each a respective client device (i.e., the mobile devices) against more than one instance of execution at any given time. In this way, Kuftedjian is fundamentally different from the claimed invention, and is also devoid of any disclosure or suggestion regarding the above recited portions of the independent claims.

The Office Action additionally cites to Peters and Nickels for specific teachings of the use of application menus (Peters) and passwords (Nickels). However, it is respectfully submitted that these references are also devoid of any disclosure or suggestion regarding the above recited portions of the independent claims.

None of the cited prior art, whether taken singly, or in combination disclose or suggest the above quoted limitations of the independent claims.

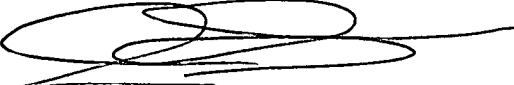
Independent claims 1, 14, 21, and 42 are believed to be allowable over the prior art of record. The depending claims are also believed to be allowable, for at least the same reasons as the independent claims.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

By:   
Christopher S. Chow  
Reg. No. 46,493  
(858) 845-3249

Dated: February 14, 2006

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502